

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DWON DARNELL THOMPSON,  
DARIUS DEWAYNE THOMPSON, HOWETHA  
LAVELLE THOMPSON, EDDIE DEWAYNE  
THOMPSON, ELIZABETH ANNIE THOMPSON,  
ALISHA NICOLE LYONS, YVETTE BETTIE  
PAGE, and NOBLE JAMES AARON THOMAS,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ELIZABETH LAVERN THOMPSON,

Respondent-Appellant,

and

JAMES PAGE, WILLIE LYONS, EDDIE  
HARMON, and VELTON PATTERSON,

Respondents.

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In the Matter of YVETTE BETTIE PAGE, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES PAGE,

Respondent-Appellant,

UNPUBLISHED  
March 29, 2002

No. 229475  
Wayne Circuit Court  
Family Division  
LC No. 97-354096

No. 229605  
Wayne Circuit Court  
Family Division  
LC No. 97-354096

and

ELIZABETH LAVERN THOMPSON, WILLIE  
LYONS, EDDIE HARMON, and VELTON  
PATTERSON,

Respondents.

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Before: Jansen, P.J., and Holbrook, Jr., and Griffin, JJ.

PER CURIAM.

In Docket No. 229475, respondent Elizabeth Lavern Thompson (“Thompson”) appeals as of right from the trial court’s order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). In Docket No. 229605, respondent James Page (“Page”) appeals as of right from the same order, which terminated his parental rights to his daughter under MCL 712A.19b(3)(a)(ii). We affirm the termination of respondent Thompson’s parental rights; we reverse and remand for further proceedings with regard to respondent Page.

Docket No. 229475

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to respondent Thompson. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent Thompson’s parental rights was clearly not in the children’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000). The court did not err in terminating respondent Thompson’s parental rights to the children.

Docket No. 229605

We agree with respondent Page, petitioner, and the attorney for the minor child that the trial court clearly erred in finding that § 19b(3)(a)(ii) was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, *supra*. Also, we reject petitioner’s claim that we should affirm on the basis that other statutory grounds for termination were sufficiently established by the evidence.<sup>1</sup> Although other statutory grounds for termination were alleged in the supplemental petition, these were not specifically addressed by the trial court with respect to respondent Page. Although error in a child protection proceeding is subject to a harmless error analysis, see MCR 2.613(A), MCR 5.901(B)(1) and 5.902(A), both the evidence and the sufficiency of the trial court’s findings are relevant in determining if a trial court’s decision properly may be affirmed under a right result, wrong reason, rationale. *In the Matter of Bailey*, 125 Mich App 522, 528; 336 NW2d 499 (1983), superseded by statute on other grounds as stated

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<sup>1</sup> Petitioner has confessed error but requests that we affirm on grounds not addressed by the trial court.

in *In re Jacobs*, 433 Mich 24; 444 NW2d 789 (1989). This Court's function is not to consider the evidence de novo, but rather to review the trial court's findings for clear error. *In re Kellogg*, 157 Mich App 148, 155-156; 403 NW2d 111 (1987), superseded by statute on other grounds as stated in *In re Jacobs*, 433 Mich 24; 444 NW2d 789 (1989).

In general, the fact-finding function serves a purpose of aiding appellate review by revealing the facts relied on by the factfinder for the decision reached. *People v Simon*, 189 Mich App 565, 568-569; 473 NW2d 785 (1991). Although brief, definite, and pertinent findings and conclusions on contested matters are sufficient in a proceeding to terminate parental rights, MCR 5.974(G)(1), it is not apparent from the trial court's findings here that the necessary elements of the other alleged statutory subsections were determined to have been established. Accordingly, we conclude that the appropriate remedy is to remand for further proceedings to enable the trial court to indicate whether termination of respondent Page's parental rights is warranted under a different statutory subsection and for further findings relative to any other statutory ground that is found to exist. If one or more statutory grounds for termination are found, the court shall also consider the child's best interests pursuant to MCL 712A.19b(5), and make the necessary findings as appropriate in accordance with its determination. See *In re Trejo*, *supra*.

Affirmed in Docket No. 229475. Reversed and remanded for further proceedings consistent with this opinion in Docket No. 229605. We do not retain jurisdiction.

/s/ Kathleen Jansen  
/s/ Donald E. Holbrook, Jr.  
/s/ Richard Allen Griffin